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Attorneys for Defendants

The Pep Boys Manny Moe & Jack of California; and The

Pep Boys – Manny, Moe & Jack

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Art Navarro, individually, and on behalf of
all others similarly situated, and as an
aggrieved employee pursuant to the Private
Attorneys General Act of 2004,

Plaintiff,

vs.

The Pep Boys Manny Moe & Jack of
California, a California Corporation, The
Pep Boys - Manny, Moe & Jack, a
Pennsylvania Corporation, and DOES 1-25
inclusive,

Defendants.

Case No. 07-2633 SI

**STIPULATION AND [PROPOSED]
ORDER TRANSFERRING ACTION TO
THE UNITED STATES DISTRICT
COURT FOR THE CENTRAL
DISTRICT OF CALIFORNIA**

[Civil Local Rule 7-12]

WHEREFORE, Plaintiff Art Navarro ("Plaintiff") and Defendants The Pep Boys Manny Moe & Jack of California and The Pep Boys – Manny, Moe & Jack ("Defendants"), through their respective counsel of record, stipulate and agree as follows:

1. There are two earlier filed cases against Defendants that are currently pending in the United States District Court for the Central District of California entitled *Aros v. The Pep Boys Manny Moe and Jack of California*, Case No. 07-cv-02033 (hereinafter "*Aros*") and *McEwen v. The Pep Boys Manny, Moe & Jack of California*; *The Pep Boys Manny, Moe & Jack*, Case No. 07-cv-01755 (hereinafter "*McEwen*").

2. Defendants have filed three motions in this case that are pending before this Court. These include: (a) a Motion to Stay or Transfer This Action or, In the Alternative, to Dismiss the First, Second, Third, Fourth, Fifth, Seventh, Ninth, Eleventh, Twelfth, and Thirteenth Claims for Relief, (b) a Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6), and (c) a Motion to Strike pursuant to Fed. R. Civ. P. 12(f). All three motions are presently scheduled for hearing on September 21, 2007.

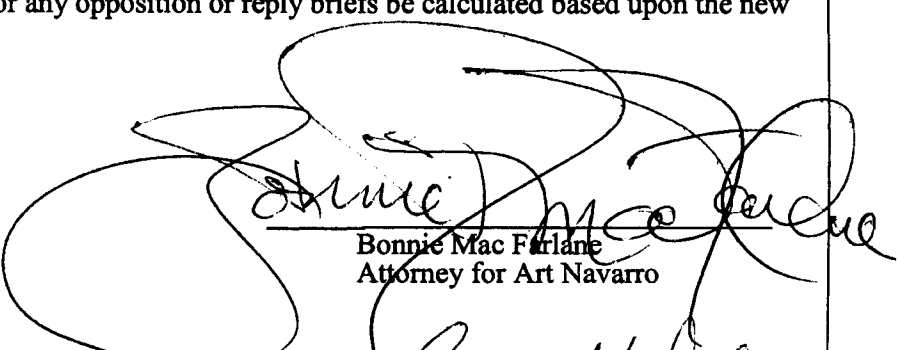
3. In order to promote judicial efficiency, Plaintiff and Defendants stipulate that this action should be transferred to the United States District Court for the Central District of

1 California.

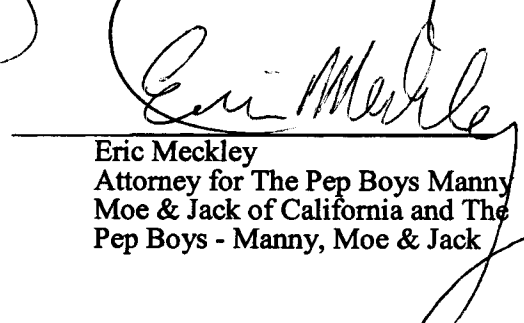
2 4. Both the *Aros* and *McEwen* cases are assigned to the Honorable Valerie Baker
3 Fairbank, United States District Judge for the Central District. The present action is a "related
4 case" to the *Aros* and *McEwen* cases and, upon the transfer of this case to the Central District, the
5 Defendants will promptly file a Notice of Related Case pursuant to Central District Local Rule
6 83-1.3.1, so that this action may be assigned to Judge Fairbank. Plaintiff does not intend to
7 assert, under Central District Local Rule 83-1.3.2, that this action does not qualify for a related
8 case transfer to Judge Fairbank.

9 5. The parties agree that the briefing schedule on Defendants' pending motions be
10 determined based upon the new hearing date(s) scheduled in the Central District. The parties also
11 agree that the pending motions should be scheduled for hearing on Judge Fairbank's calendar not
12 less than thirty (30) days from the date on which the case is transferred to Judge Fairbank and that
13 the corresponding deadlines for any opposition or reply briefs be calculated based upon the new
14 hearing date(s).

15
16 Dated: August 21, 2007


Bonnie MacFarlane
Attorney for Art Navarro

17
18
19 Dated: August 21, 2007


Eric Meckley
Attorney for The Pep Boys Manny
Moe & Jack of California and The
Pep Boys - Manny, Moe & Jack

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24 **PURSUANT TO STIPULATION, AND FOR GOOD CAUSE APPEARING, IT IS**
25 **ORDERED AS FOLLOWS:**

26 1. This action is transferred to the United States District Court for the Central
27 District of California.

2. The briefing schedule on Defendants’ pending motions (and the corresponding deadlines for filing opposition and reply briefs) will be determined based upon the new hearing date(s) scheduled in the United States District Court for the Central District.



Dated: _____

THE HONORABLE SUSAN ILLSTON